

## **REMARKS**

### **Claim Amendments**

Claims 12 and 14-19 are pending in the instant application. Claims 15-19 have been withdrawn from consideration. Claim 12 has been amended to remove nucleoside methylphosphonate from the list of immunostimulatory moieties. Claim 14 has been amended to define  $U_m$  and  $D_m$ , to specify that U3, U2, D2 and D3 are present, and to specify that at least one of X1, X2, X3, X4, U1, U2, U3, D1, D2 or D3 is from the list of immunostimulatory moieties recited specifically for each of said positions.

### **Rejoinder**

Applicants respectfully request that Claims 15-19, previously withdrawn as being directed to non-elected species, be rejoined herein. Claims 15-19 depend from and, thus, require all the limitations of Claim 12.

### **Rejection of Claims 12 and 14 Under 35 U.S.C. §102(e): Schwartz**

Claims 12 and 14 are rejected as being anticipated by Schwartz (PGPUB 20040092468).

Claim 12 has been amended to remove nucleoside methylphosphonate from the list of immunostimulatory moieties. Applicants respectfully submit that this amendment overcomes the rejection. Claim 14, has been amended to define  $U_m$  and  $D_m$ , to specify that U3, U2, D2 and D3 are present, and to recite that at least one of X1, X2, X3, X4, U1, U2, U3, D1, D2 or D3 is an immunostimulatory moiety selected from those recited for each position. Applicants respectfully submit that amendment overcomes the rejection. Accordingly, Applicants respectfully request that these rejections be withdrawn.

### **Obviousness-type double patenting**

Claims 12 and 14 are provisionally rejected for obviousness-type double patenting over various claims of co-pending applications 10/865,245 and 10/694,418. Because these applications are, respectively, later filed or of even filing date with the present application and have not been allowed, once all other presently maintained rejections are overcome, this application should be passed to allowance and any terminal disclaimers or other appropriate actions should be made in the cited applications.

Indefiniteness

Claim 14 has been amended to define the variables  $U_m$  and  $D_m$  and to specify that U2, U3, D2 and D3 are present. Applicants respectfully submit that this amendment overcomes the rejection for indefiniteness and request that this rejection be withdrawn.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner believes that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned attorney at 781-933-6630.

Respectfully submitted,

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